IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1671 of 2007
BINOD RAI & ORS
Versus
STATE OF BIHAR
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5 24.6.2008 This application has been filed for quashing of the order taking cognizance under Section 498A of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

The petitioners are brother-in-laws (Bhainsur), mother-in-law and sister-in-law (Gotni) of the complainant.

Learned counsel appearing on behalf of the petitioner submits and states that during the hearing of anticipatory bail application before this Court, there was an observation/direction of this Court that the Court below should take steps to get the matter compromised between husband and wife. As a result of the efforts of the Court below the husband and wife are now living together. In a case, where the husband and wife are living together and have settled their differences a case under Section 498 A would not be made out against the persons accused.

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This Court had issued notice to the complainant who has not entered appearance.

In the circumstances it would not be proper for this Court to pass any order without any representation on her behalf.

However, in view of the decision of this Court and the Supreme Court in the case of B.S. Joshi and Ors. Vs. The State of Haryana reported in (2003) S.C.C. 4 and 2007 (2) P.L.J.R. this Court directs that the Court below should consider the fact that the parties have

compromised and it would be waste of the Court's time to continue with the proceeding when none of the parties are willing to pursue the matter. As such the Court below should accordingly hear the parties and pass an appropriate order dropping the proceedings. The parties are directed to file a joint petition along with a copy of this order before the concerned Court within the period of six weeks.

This application is thus allowed to the extent mentioned aforesaid.

Sanjay **(Sheema Ali Khan,J.)**

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